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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,931	12/01/2003	Harry Hornreich	IL920030041US1	3247
45544 7590 03/13/2008 HOFFMAN, WARNICK & D'ALESSANDRO LLC 75 STATE ST 14TH FLOOR ALBANY, NY 12207				
EXAMINER				
LONG, PONYA M				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/724,931

**Applicant(s)**

HORNREICH ET AL.

**Examiner**

FONYA LONG

**Art Unit**

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- \_\_\_\_\_ Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This communication is a first Office Action Non-Final rejection on the merits.

Claims 1-11, as originally filed, are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claim recites the limitation "said monitor" in Line 4. There is insufficient antecedent basis for this limitation in the claim.

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5-8, 10, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (6,055,570) in view of Helle et al. (6,560,454).

**As per Claim 1**, Nielsen discloses a subscription-based dynamic content update system (Abstract, via user being able to monitor changes to information located on a

network by registering with an update monitor service) comprising: a content update sub-system comprising: a subscription manager operative to create said subscription on a publish/subscribe server (Col. 5, Lines 21-40, discloses a monitor page that allows a user to create a list of pages in which the user subscribes to and store the list in a database); and a monitor operative to receive said content update from said content update sub-system and provide said content update for updating said specialized content area (Col. 11, Lines 47-51, discloses an update monitor service server receiving changes in content of information from one or more content servers and providing the information to one or more user computers about the updated information). However, Nielsen fails to explicitly disclose a session manager and an event buffer.

Helle et al. discloses a system for updating information from a plurality of content providers on the Internet with the concept of a session manager operative to associate a web page currently active at a client and having at least one specialized content area with a subscription for content therefor (Col. 4, Lines 25-65, discloses a cellular terminal which is connected to the Internet being associated with (Col. 6, Lines 50-63) the user's personal news list in order to display a user's customized selected topics (i.e., domestic news, or popular music) when the user uses the cellular terminal); and an event buffer operative to store a content update received from said publish/subscribe server in response to a publication received from a content provider and in connection with said subscription (Col. 8, Lines 17-19, discloses a cellular terminal downloading new updated information received from one of the content providers and storing the information in the cellular terminal).

Therefore, from the teaching of Helle et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the update monitor service of Nielsen to include a session manager and an event buffer as taught by Helle et al. in order to eliminate the need for the user to manually update the displayed information by automatically updating display after checking for updates from the content providers.

**As per Claim 5**, Nielsen discloses a monitor maintaining a persistent connection with said content update sub-system through which said monitor receives said content update (Col. 2, Lines 45-52, discloses an update monitor service server connected to the network in order to provide update information to one or more computers that is received from one or more content servers).

**As per Claim 6**, Nielsen discloses the claimed invention as applied to Claim 1, above. However, Nielsen fails to explicitly disclose the monitor periodically polling the content update sub-system.

Helle et al. discloses a system for updating information from a plurality of content providers on the Internet with the concept of the monitor periodically polling said content update sub-system for the existence of said content update (Col. 4, Lines 13-24, discloses a time stamp check that periodically determines whether the information is still valid, and will update the information based on the associated time stamp).

Therefore, from the teaching of Helle et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the update monitor service of Nielsen to include the monitor periodically polling the content update sub-

system as taught by Helle et al. in order to ensure that the information being displayed is current.

**As per Claims 7 and 10**, Nielsen discloses receiving a content update from a content provider in connection with said subscription (Col. 11, Lines 47-51, discloses an update monitor service server receiving changes in content of information from one or more content servers); and providing said content update for updating said specialized content area (Col. 11, Lines 47-51, discloses providing the information to one or more user computers about the updated information). However, Nielsen fails to explicitly disclose associating a web page with a subscription for content.

Helle et al. discloses a system for updating information from a plurality of content providers on the Internet with the concept of associating a web page currently active at a client and having at least one specialized content area with a subscription for content therefor (Col. 4, Lines 25-65, discloses a cellular terminal which is connected to the Internet being associated with (Col. 6, Lines 50-63) the user's personal news list in order to display a user's customized selected topics (i.e., domestic news, or popular music) when the user uses the cellular terminal).

Therefore, from the teaching of Helle et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the update monitor service of Nielsen to include associating a web page with a subscription for content as taught by Helle et al. in order to eliminate the need for the user to manually update the displayed information by automatically updating display after checking for updates from the content providers.

**As per Claims 8 and 11**, Nielsen discloses creating said subscription on a publish/subscribe server (Col. 5, Lines 21-40, discloses a monitor page that allows a user to create a list of pages in which the user subscribes to and store the list in a database). However, Nielsen fails to explicitly disclose storing content updates.

Helle et al. discloses a system for updating information from a plurality of content providers on the Internet with the concept of storing said content update received from said publish/subscribe server in response to a publication received from said content providers and in connection with said subscription (Col. 8, Lines 17-19, discloses a cellular terminal downloading new updated information received from one of the content providers and storing the information in the cellular terminal).

Therefore, from the teaching of Helle et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the update monitor service of Nielsen to include storing content updates as taught by Helle et al. in order to eliminate the need for the user to manually update the displayed information by automatically updating display after checking for updates from the content providers.

3. Claims 2-4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (6,055,570) in view of Helle et al. (6,560,454) and in further view of Wichmann et al. (7,277,924).

**As per Claims 2**, the Nielsen and Helle et al. combination discloses the claimed invention as applied to Claim 1, above. However, the combination fails to explicitly disclose hosting a website and providing a webpage for display on a computer.

Wichmann et al. discloses a method for servicing a request for a web page from a user with the concept of hosting a website including at least one software component for dynamically generating said specialized content area of said web pages, and providing said web page for display on a client computer (Col. 1, Lines 43-57, discloses a website that contains a web page and portlets. The portlets are configured to display a customized content area on a web page).

Therefore, from the teaching of Wichmann et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Nielsen and Helle et al. to include hosting a web site and providing a webpage for display on a computer as taught by Wichmann et al. in order to provide a webpage that meets the user's needs and eliminate information that does not pertain to the user.

**As per Claim 3**, the Nielsen and Helle et al. combination discloses the claimed invention as applied to Claim 2, above. However, the combination fails to explicitly disclose a portal server and a portal.

Wichmann et al. discloses a method for servicing a request for a web page from a user with the concept of a server being a portal server and a website being a portal (Col. 2, Lines 7-26, discloses a web portal server; Col. 1, Lines 58-67, discloses a website being portal).

Therefore, from the teaching of Wichmann et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Nielsen and Helle et al. to include a portal server and a portal as taught



by Wichmann et al. in order to provide the user access to customize a webpage via the website.

**As per Claim 4**, the Nielsen and Helle et al. combination discloses the claimed invention as applied to Claim 2, above. However, the combination fails to explicitly disclose a portlet.

Wichmann et al. discloses a method for servicing a request for a web page from a user with the concept of the software component being a portlet (Col. 1, Lines 43-57, discloses a portlet which is a configurable content area displayable on a web page).

Therefore, from the teaching of Wichmann et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Nielsen and Helle et al. to include a portlet as taught by Wichmann et al. in order to provide the user with a customized webpage tailored to the user's needs.

**As per Claim 9**, the Nielsen and Helle et al. combination discloses the claimed invention as applied to Claim 7, above. However, the combination fails to explicitly disclose generating a web page and providing a webpage for display on a computer.

Wichmann et al. discloses a method for servicing a request for a web page from a user with the concept of dynamically generating said web page including said specialized content area; and providing said web page and said monitor to a client computer (Col. 1, Lines 43-57, discloses a website that provides a web page and portlets. The portlets are configured to display a customized content area on a web page).

Therefore, from the teaching of Wichmann et al., it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Nielsen and Helle et al. to include generating a web page and providing a webpage for display on a computer as taught by Wichmann et al. in order to provide a webpage that meets the user's needs and eliminate information that does not pertain to the user.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Goodacre et al. (US 2003/0106022) discloses automatically displaying updated and relevant content on the display of a mobile computing device.

Santoro et al. (6,724,403) discloses organizing content from a variety of information sources into a grid of tiles, each of which can refresh its content independently of the others.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FONYA LONG whose telephone number is (571)270-5096. The examiner can normally be reached on Mon-Thur 7:30am-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML

/John G. Weiss/  
Supervisory Patent Examiner, Art Unit 3629